

David I. Gelfand (*pro hac vice*)  
Jeremy J. Calsyn (State Bar No. 205062)  
Nowell D. Bamberger (*pro hac vice*)  
Caleb J. Robertson (*pro hac vice*)  
dgelfand@cgsh.com  
jcalsyn@cgsh.com  
nbamberger@cgsh.com  
cjrobertson@cgsh.com  
Cleary Gottlieb Steen & Hamilton LLP  
2112 Pennsylvania Avenue, NW  
Washington, DC 20037  
Telephone: 202-974-1500  
Facsimile: 202-974-1999

*Attorneys for Defendant Juul Labs, Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

IN RE JUUL LABS, INC.  
ANTITRUST LITIGATION

This document relates to:

ALL ACTIONS

Case No. 3:20-cv-02345-WHO

**DIRECT PURCHASER  
PLAINTIFFS' AND DEFENDANTS'  
JOINT MOTION IN RESPONSE TO  
THE COURT'S ORDER  
MODIFYING SEALING  
PROCEDURES FOR SEPTEMBER  
8, 2025 *DAUBERT* AND CLASS  
CERTIFICATION BRIEFING (ECF  
NO. 517)**

Judge: Hon. William H. Orrick

**TO THE COURT, THE PARTIES, AND ALL COUNSEL OF RECORD:**

Direct Purchaser Plaintiffs and Defendants JUUL Labs, Inc. (“JLI”), Altria Group, Inc. and Altria Enterprises LLC (“Altria”) (together, the “Parties”) respectfully submit this notice in response to the Court’s July 25, 2025 Order (ECF No. 517) requiring the parties to submit “a consolidated chart identifying what information should remain under seal for the Court’s Consideration” from Plaintiffs’ Replies in Support of Their Class Certification Motions, the Parties’ *Daubert* Oppositions, and supporting materials (ECF Nos. 564–569) similar to previous charts filed in conjunction with Plaintiffs’ Motions for Class Certification (ECF Nos. 510–513) and Defendants’ Oppositions to Plaintiffs’ Class Certification Motions and Parties’ *Daubert* Motions (ECF No. 563).

1. The Parties seek to maintain under seal a limited subset of material from Plaintiffs’ Replies in Support of Their Class Certification Motions, the Parties’ *Daubert* Oppositions, and supporting materials, as reflected in the chart below. For the convenience of the Court and the parties, the Parties attach as exhibits redacted versions of those documents for which they request the Court keep only portions under seal. Unredacted versions of the exhibits below were submitted with Plaintiffs’ Replies in Support of their Class Certification Motions, the Parties’ *Daubert* Oppositions, and supporting materials. *See* ECF Nos. 564–569.

Document	Description	Designating Party	Exhibit Reflecting Requested Redactions	Prior Exhibit Number
Barber Declaration Ex. 5	<u>Portions of:</u> <ul style="list-style-type: none"> <li>Page 66, Footnote 184</li> <li>Page 66, Footnote 187</li> <li>Page 81, Footnote 212</li> </ul>	JLI	A	None
Barber Declaration Ex. 9	<u>Portions of:</u> <ul style="list-style-type: none"> <li>79:2–3</li> </ul>	JLI	B	None

Document	Description	Designating Party	Exhibit Reflecting Requested Redactions	Prior Exhibit Number
	<ul style="list-style-type: none"> <li>79:7</li> <li>79:20–24</li> <li>80:6</li> </ul> <p><u>Entirety of:</u></p> <ul style="list-style-type: none"> <li>79:9–10</li> </ul>			
Saveri Declaration Ex. 8	<p><u>Entirety of:</u></p> <ul style="list-style-type: none"> <li>17:10–11</li> </ul>	JLI	C	None
Saveri Declaration Ex. 10	<p><u>Portions of:</u></p> <ul style="list-style-type: none"> <li>104:21–22</li> </ul> <p><u>Entirety of:</u></p> <ul style="list-style-type: none"> <li>16:20–23</li> </ul>	Non-Party Perella Weinberg Partners	D	None
Saveri Declaration Ex. 11	<p><u>Entirety of:</u></p> <ul style="list-style-type: none"> <li>Slide 10</li> <li>Slide 21</li> <li>Slide 22</li> <li>Slide 24</li> <li>Slide 34</li> <li>Slide 35</li> <li>Slide 44</li> <li>Slide 45</li> <li>Slide 46</li> <li>Slide 48</li> <li>Slide 49</li> <li>Slide 54</li> </ul> <p><u>Portions of:</u></p> <ul style="list-style-type: none"> <li>Slide 6</li> <li>Slide 9</li> <li>Slide 12</li> <li>Slide 17</li> <li>Slide 19</li> <li>Slide 20</li> </ul>	Altria (Perella Weinberg Partners)	E	N/A

Document	Description	Designating Party	Exhibit Reflecting Requested Redactions	Prior Exhibit Number
	<ul style="list-style-type: none"> <li>• Slide 23</li> <li>• Slide 27</li> <li>• Slide 28</li> <li>• Slide 29</li> <li>• Slide 33</li> <li>• Slide 53</li> </ul>			
Saveri Declaration Ex. 12	SEAL IN ENTIRETY	JLI	N/A	None
Saveri Declaration Ex. 14	<u>Portions of:</u> <ul style="list-style-type: none"> <li>• JLI-AT-02604989</li> <li>• JLI-AT-02604993–995</li> <li>• JLI-AT-02605001–003</li> <li>• JLI-AT-02605010</li> <li>• JLI-AT-02605012</li> <li>• JLI-AT-02605019–022</li> <li>• JLI-AT-02605025</li> <li>• JLI-AT-02605026</li> <li>• JLI-AT-02605032</li> <li>• JLI-AT-02605034–037</li> <li>• JLI-AT-02605048–054</li> <li>• JLI-AT-02605068–070</li> <li>• JLI-AT-02605072–075</li> <li>• JLI-AT-02605077–078</li> <li>• JLI-AT-02605081</li> <li>• JLI-AT-02605086</li> <li>• JLI-AT-02605088–090</li> <li>• JLI-AT-02605094</li> <li>• JLI-AT-02605099</li> <li>• JLI-AT-02605101</li> </ul>	JLI	F	None

Document	Description	Designating Party	Exhibit Reflecting Requested Redactions	Prior Exhibit Number
	<ul style="list-style-type: none"> <li>JLI-AT-02605103–104</li> </ul> <p><u>Entirety of:</u></p> <ul style="list-style-type: none"> <li>JLI-AT-02604996</li> <li>JLI-AT-02605011</li> <li>JLI-AT-02605087</li> <li>JLI-AT-02605105</li> </ul>			
Saveri Declaration Ex. 18	<p><u>Portions of:</u></p> <ul style="list-style-type: none"> <li>Page 7, Footnote 26</li> <li>Page 9, Chart 2</li> <li>Page 13, Paragraph 24</li> <li>Page 14, Chart 7</li> <li>Page 31, Footnote 129</li> <li>Page 32, Chart 10a</li> <li>Page 33, Chart 10b</li> <li>Page 35, Paragraph 60</li> <li>Page 35, Paragraph 61</li> <li>Page 35, Footnote 143</li> <li>Page 45, Table 4</li> <li>Page 46, Table 5</li> </ul> <p><u>Entirety of:</u></p> <ul style="list-style-type: none"> <li>Page 33, Footnote 132</li> </ul>	JLI	ECF No. 510, Ex. GG	IRP Class Cert., Katcher Decl. Ex. 1
	<p><u>Portions of:</u></p> <ul style="list-style-type: none"> <li>Page 17, Paragraph 30</li> <li>Page 18, Paragraph 32</li> </ul>	Non-Party 7-Eleven		

Document	Description	Designating Party	Exhibit Reflecting Requested Redactions	Prior Exhibit Number
IPP Class Cert Reply (ECF No. 564-2)	<u>Portions of:</u> <ul style="list-style-type: none"> <li>Page 6</li> <li>Page 6, Footnote 5</li> </ul>	JLI	G	None
IPP Daubert Opposition (ECF No. 564-3)	<u>Portions of:</u> <ul style="list-style-type: none"> <li>Page 3, Footnote 2</li> <li>Page 7</li> <li>Page 8</li> <li>Page 21</li> <li>Page 22</li> </ul>	JLI	H	None
Zwerling Declaration Ex. 11	<u>Portions of:</u> <ul style="list-style-type: none"> <li>164:2</li> <li>164:13–20</li> <li>165:3–7</li> <li>194:2–3</li> <li>194:10–19</li> <li>197:19–22</li> </ul> <u>Entirety of:</u> <ul style="list-style-type: none"> <li>164:6–9</li> </ul>	JLI	I	None
IRP Class Cert Reply (ECF No. 565-3)	<u>Portions of:</u> <ul style="list-style-type: none"> <li>Page 6</li> </ul>	JLI	J	None
IRP Daubert Opposition (ECF No. 565)	<u>Portions of:</u> <ul style="list-style-type: none"> <li>Page 3</li> <li>Page 3, Footnote 5</li> <li>Page 15</li> </ul>	JLI	K	None
Katcher Declaration Ex. 97	<u>Portions of:</u> <ul style="list-style-type: none"> <li>Page 19, Footnote 80</li> </ul>	JLI	ECF No. 563, Ex. LL	Defs' Daubert/CC Opp., Barber Decl. Ex. 47

Document	Description	Designating Party	Exhibit Reflecting Requested Redactions	Prior Exhibit Number
Katcher Declaration Ex. 99	<u>Portions of:</u> <ul style="list-style-type: none"> <li>Page 20–21, Footnote 76</li> <li>Page 23, Paragraph 39</li> <li>Page 24, Paragraph 40</li> <li>Page 25, Paragraph 43</li> </ul>	JLI	ECF No. 563, Exs. JJ and ZZ	Defs’ Daubert/CC Opp., Barber Decl. Ex. 42  DPPs’ Daubert, Saveri Decl. Ex. 19
Katcher Declaration Ex. 102	<u>Portions of:</u> <ul style="list-style-type: none"> <li>67:16–17</li> <li>68:16</li> </ul> <u>Entirety of:</u> <ul style="list-style-type: none"> <li>68:21–25</li> </ul>	JLI	L	None

2. The Parties append the Declarations of Nowell D. Bamberger, Jeremy Barber, and Andrew A. Ruffino respectively, in support of their requests to keep the information described in the chart under seal.

3. Defendants do not object to non-parties Perella Weinberg Partners’ and 7-Eleven’s requests for sealing described above. Plaintiffs are in the process of reviewing Defendants’ materials in support of the requests for the materials listed to remain under seal and take no position at this time on these requests. Plaintiffs reserve their rights to object to the sealing of materials subject to Defendants’ requests for sealing.

1 Dated: September 26, 2025

2 Respectfully Submitted,

3  
4 **JOSEPH SAVERI LAW FIRM, LLP**

5 /s/ Joseph R. Saveri  
6 Joseph R. Saveri

7 Joseph R. Saveri (SBN 130064)  
8 Ronnie S. Spiegel (*pro hac vice*)\*  
9 David H. Seidel (SBN 307135)  
10 Itak K. Moradi (SBN 310537)  
11 Christopher J. Hydal (*pro hac vice*)\*\*  
12 601 California Street, Suite 1505  
13 San Francisco, California 94108  
14 Telephone: (415) 500-6800  
15 Email: jsaveri@saverilawfirm.com  
16 rspiegel@saverilawfirm.com  
17 dseidel@saverilawfirm.com  
18 imoradi@saverilawfirm.com  
19 chydal@saverilawfirm.com

20 \*Located in Washington State

21 \*\*Located in New York State

22 *Interim Lead Counsel for Direct Purchaser*  
23 *Plaintiffs*

**CLEARY GOTTlieb STEEN &  
HAMILTON LLP**

/s/ Nowell D. Bamberger  
Nowell D. Bamberger (*pro hac vice*)

David I. Gelfand (*pro hac vice*)  
Jeremy J. Calsyn (State Bar No. 205062)  
Nowell D. Bamberger (*pro hac vice*)  
Caleb J. Robertson (*pro hac vice*)  
2112 Pennsylvania Avenue, NW  
Washington, D.C. 20037  
Telephone: (202) 974-1752 (Bamberger)  
Fax: (202) 974-1599  
Email: dgelfand@cgsh.com  
Email: jcalsyn@cgsh.com  
Email: nbamberger@cgsh.com  
Email: cjrobertson@cgsh.com

*Attorneys for Defendant Juul Labs, Inc.*



**WILKINSON STEKLOFF LLP**

/s/ Beth A. Wilkinson

Beth A. Wilkinson (*pro hac vice*)

James M. Rosenthal (*pro hac vice*)

Matthew Skanchy (*pro hac vice*)

Alysha Bohanon (*pro hac vice*)

Jenna Pavelec (*pro hac vice*)

**WILKINSON STEKLOFF LLP**

2001 M Street NW, 10th Floor

Washington, DC 20036

Telephone: (202) 847-4000

Facsimile: (202) 847-4005

[bwilkinson@wilkinsonstekloff.com](mailto:bwilkinson@wilkinsonstekloff.com)

[jrosenthal@wilkinsonstekloff.com](mailto:jrosenthal@wilkinsonstekloff.com)

[mskanchy@wilkinsonstekloff.com](mailto:mskanchy@wilkinsonstekloff.com)

[abohanon@wilkinsonstekloff.com](mailto:abohanon@wilkinsonstekloff.com)

[jpavelec@wilkinsonstekloff.com](mailto:jpavelec@wilkinsonstekloff.com)

Moira K. Penza (*pro hac vice*)

Jeremy Barber (*pro hac vice*)

**WILKINSON STEKLOFF LLP**

130 West 42nd Street, 24th Floor

New York, NY 10036

Telephone: (212) 294-8914

Facsimile: (202) 847-4005

[mpenza@wilkinsonstekloff.com](mailto:mpenza@wilkinsonstekloff.com)

[jbarber@wilkinsonstekloff.com](mailto:jbarber@wilkinsonstekloff.com)

Lauren Sachi Wulfe (SBN 287592)

**ARNOLD & PORTER KAYE SCHOLER  
LLC**

777 S. Figueroa Street, 44th Floor

Los Angeles, CA 90017

Telephone: (213) 243-4211

Facsimile: (213) 243-4199

[lauren.wulfe@arnoldporter.com](mailto:lauren.wulfe@arnoldporter.com)

*Attorneys for Defendants Altria Group, Inc., and  
Altria Enterprises, LLC*

**FILER'S ATTESTATION**

In compliance with Civil Local Rule 5-1(i)(3), I, Nowell D. Bamberger, hereby attest that each of the signatories identified above has concurred in this filing.

/s/ Nowell D. Bamberger  
Nowell D. Bamberger (*pro hac vice*)  
CLEARY GOTTlieb STEEN & HAMILTON LLP  
2112 Pennsylvania Avenue, NW  
Washington, D.C. 20037  
Telephone: (202) 974-1752  
Fax: (202) 974-1599  
Email: nbamberger@cgsh.com